

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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EVEYLN C. ALLEN

VERSUS

THE KROGER COMPANY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CIVIL ACTION NO. 04-2216

JUDGE S. MAURICE HICKS, JR.

MAGISTRATE JUDGE HORNSBY

JUDGMENT

This matter is before the Court on defendant The Kroger Company's ("Kroger") Motion for Summary Judgment (Doc. 15). Kroger moved for summary judgment on Plaintiff Evelyn C. Allen's claim that she is entitled to damages resulting from her October 1, 2003 fall on the premises of a Kroger store. After reviewing the entire record, the Court finds that there are no genuine issues of material fact in dispute, and that summary judgment in favor of Kroger is proper as a matter of fact and law. The Court finds that the stocking cart did not present an unreasonable risk of harm to Allen and furthermore that Allen has not presented evidence that Kroger failed to exercise reasonable care.

Therefore:

IT IS ORDERED that Defendant The Kroger Company's Motion for Summary Judgment (Doc. 15) shall be **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Eveyln C. Allen's claims are **DISMISSED WITH PREJUDICE**.

Shreveport, Louisiana, September 8th, 2005.


S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE